

FILED

2008 JAN 22 AM 10:35

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Clifford Ray FAUST

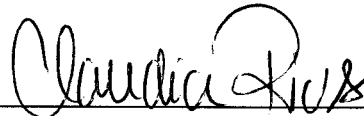
Defendant.

Magistrate Case No. **'08 MJ 0164**COMPLAINT FOR VIOLATION OFTitle 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

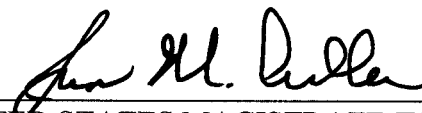
On or about **January 18, 2008**, at the **San Ysidro, California** Port of Entry, within the Southern District of California, defendant **Clifford Ray FAUST** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Miguel Angel OROPEZA-Martinez and Jacinto TEJEDA-Garcia**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Claudia Rios, U.S. Customs and Border
Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **22nd** DAY OF
JANUARY 2008.



UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Eric M. Velazquez, declare under penalty of perjury the following to be true and correct:

The complainant states that **Miguel Angel OROPEZA-Martinez and Jacinto TEJEDA-Garcia** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial thereof by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On 01/18/08 at about 2050 hours, Clifford Ray FAUST (Defendant) applied for entry into the United States from Mexico as the driver and sole visible occupant of a 2002 Ford F-250 truck through the San Ysidro Port of Entry. Defendant made an oral claim to United States citizenship and presented a State of California identification card as proof of identity to a Customs and Border Protection (CBP) Officer. Defendant gave the CBP Officer a negative Customs declaration. Defendant stated he was in Tijuana, Mexico visiting his girlfriend. Defendant claimed ownership of the vehicle for three years. Defendant presented the CBP Officer with a counterfeit vehicle registration card with a different vehicle license plate number. The CBP Officer conducted an inspection of the vehicle and discovered individuals concealed under the rear bench seat. Defendant and vehicle were escorted to secondary for further processing.

In secondary, CBP Officers removed two Hispanic male individuals concealed in the rear bench seat area of the vehicle. One individual was concealed underneath the rear bench seat. The other individual was concealed behind the rear bench seat of the truck. The concealed individuals were identified as Miguel Angel OROPEZA-Martinez and Jacinto TEJEDA-Garcia. Both individuals admitted they are citizens of Mexico with no entitlements to enter or reside in the United States. Both undocumented aliens are now identified as Material Witnesses (MW) in the case **Miguel Angel OROPEZA-Martinez (MW1) and Jacinto TEJEDA-Garcia (MW2)**.

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted he agreed to smuggle two undocumented aliens into the United States for \$700.00 (USD). Defendant admitted he was to drive the vehicle to the Chula Vista Food 4 Less grocery store off the Palomar St. highway exit. Defendant admitted he was provided with a cell phone to make contact with the smugglers upon his arrival to the grocery store. Defendant admitted he was to return to Tijuana, Mexico to receive payment for the smuggling act. Defendant denied being present when the aliens were concealed. Defendant admitted giving the CBP Officer a negative Customs declaration. Defendant admitted to being instructed to state he was the registered owner of the vehicle. Defendant admitted engaging in a conversation with the concealed aliens as he operated the vehicle to the port of entry. Defendant admitted instructing the aliens to remain quiet as he approached the CBP Officer.

Continuation of Probable Cause Statement
Re: United States vs. Clifford Ray FAUST

Separate videotaped interviews were conducted with Material Witnesses. Both Material Witnesses admitted they are citizens of Mexico with no documents to lawfully enter or reside in the United States. Both Material Witnesses stated they were to pay \$3,000.00 to \$3,500.00 (USD) to be smuggled into the United States. Both Material Witnesses stated they were going to Los Angeles, California to seek employment.

EXECUTED ON THIS 19TH DAY OF JANUARY 2008 AT 03:00 PM.


Eric M. Velazquez / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (2) page(s), I find probable cause to believe that the defendant named therein committed the offense on January 18, 2008 in violation of Title 8, United States Code, Section 1324.


MAGISTRATE JUDGE

1/19/08 @ 3:34 p.m.
DATE / TIME